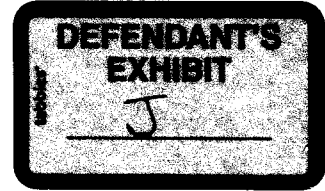


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil No. 1:12CV1349

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
TERRY S. JOHNSON, in his)
official capacity as ALAMANCE)
COUNTY SHERIFF,)
)
Defendant.)



DEPOSITION
OF
BOBBY RAY CULLER, JR.

Graham, North Carolina
September 12, 2013
2:55 p.m.

Reported by:
Rebecca P. Scott

Bobby Ray Culler

9/12/2013

1 A. Oh, sure. From '83 to 2000, I was a trooper on
2 the road in Alamance County. In 2000 I was
3 promoted to line sergeant. I was sent to
4 Wilkesboro - Wilkes County so that consisted of
5 Wilkes, Ashe, and Alleghany Counties. Then I came
6 back to - transferred back home to Person and
7 Caswell County in 2001.

8 I stayed there until 2000 - when I got
9 promoted to first sergeant in 2005 - to first
10 sergeant - and I was placed in the Highway Patrol
11 Armory, which was overseeing the whole firearms
12 program for the North Carolina Highway Patrol. I
13 stayed there for five months, and then I was - the
14 colonel called me and asked me to work in Internal
15 Affairs because of my record. I didn't have one.

16 So I worked in Internal Affairs for a year
17 investigating complaints against personnel,
18 serious allegations and nonserious allegations but
19 complaints. After that I returned home to
20 Alamance County as a first sergeant, and that
21 was - I'm trying to remember what year that was.
22 It may have been 2006 - sometime in 2006.

23 And I stayed here until 2008 and got promoted
24 to lieutenant and sent to Hickory. I went back to
25 the foothills again, and I stayed there for four

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1 A. We've had a few in Green Level, mostly rear-end
2 collisions, but the data was showing that seat
3 belt usage was not really compliant. If I'm not
4 mistaken, the one where - there was a lot of
5 agencies involved in the one I'm thinking about.
6 I don't think - I don't think that we put that one
7 on, but usually when we worked that area, that's
8 what it's pertaining to.

9 I can't remember if I put it on or the
10 Sheriff's Department or Haw River Police. It
11 could have been one of us three that actually
12 initiated the project.

13 Q. At any of the checkpoints, have you ever heard
14 Sheriff Johnson say, "If anybody is stopped - if
15 anybody is stopped that's Hispanic, don't write a
16 citation. Bring them to jail"?

17 A. Do what now? Could you repeat that?

18 Q. Yes.

19 A. Okay.

20 Q. Have you ever heard Sheriff Johnson say, "If
21 anybody is stopped that's Hispanic, don't write a
22 citation. Bring them to jail"?

23 A. No, sir. The Highway Patrol - we operate on our
24 own accord. We don't answer to the sheriff or the
25 chief of police. The Highway Patrol is the

1 Highway Patrol. We do our own actions. I've
2 never heard Terry Johnson say anything like that
3 pertaining to an arrest of any particular person
4 or---

5 Q. Do you know who Roger Lloyd is?

6 A. He's a - I've known him for years. He's a deputy.
7 He was a deputy here, I believe.

8 Q. Did he ever instruct you to arrest violators at
9 checkpoints instead of issuing citations?

10 A. No, sir. No, sir.

11 Q. Did Roger Lloyd ever contact one of your
12 supervisors to order you to make arrests at a
13 checkpoint instead of writing citations?

14 A. No, sir. If it's the one I'm thinking about, I
15 was present there. I ran my people. I supervised
16 my personnel. If they had an issue, I dealt with
17 it.

18 Q. And you were first sergeant?

19 A. Yes, sir.

20 Q. So there was no sergeant above you. You were
21 the---

22 A. No, sir. I was the acting commander at that - for
23 my agency.

24 Q. Who would you have reported to?

25 A. Would have been my lieutenant, Doug Monroe, which

1 at the time he was in Greensboro. He didn't even
2 know about the checkpoint, you know, because we do
3 all these things without their permission. We
4 make the decision to work with other agencies in
5 checkpoints.

6 Q. Is it fair to say the first sergeant basically
7 runs the operations of the Highway Patrol on a
8 local level?

9 A. That's correct.

10 Q. Do you recall at any time Roger Lloyd calling you
11 and asking you to order one of your patrolmen to
12 arrest people for not having an operator's license
13 instead of issuing a citation?

14 A. No, sir. He's asking me for somebody to issue a
15 citation---

16 Q. To arrest someone---

17 A. To arrest them? No, sir.

18 Q. Do you have any idea how many checkpoints you may
19 have worked with the Alamance County Sheriff's
20 Department when you were assigned here?

21 A. Several. Several checkpoints. I mean, you know,
22 if you're talking about a large group of officers
23 involving other agencies, we had a bunch of those,
24 especially the nighttime DWI projects during the
25 Governor's Highway Safety Program. But, you know,

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1 most of the time, it was three or four officers
2 doing some of these side road checks on some of
3 the roads that were having issues with collisions.

4 But, no, sir, I - I mean I think that we had
5 several with the departments - not just the
6 Sheriff's Department but Burlington Police, Graham
7 Police, Haw River, I mean, Gibsonville, Elon. I
8 mean we always worked very well with other
9 agencies when I was here. I'm not so sure what's
10 going on now, but we had a good rapport and a good
11 bond as far as enforcing the laws.

12 Q. When you were working with the Sheriff's
13 Department or working at the same checkpoints, did
14 you ever observe any sheriff's deputies racially
15 profiling any individuals at checkpoints?

16 A. No, sir. The things that I saw were people
17 arresting people or writing citations for
18 violations of law. I never saw anyone make any -
19 heard anyone make any comments or see anyone doing
20 anything out of the ordinary. This was just an
21 ordinary type of checkpoint for us.

22 Q. And that would have been both the smaller
23 checkpoints you were talking about and the big
24 multiagency checkpoints?

25 A. Yes, sir.

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1 Q. Do you know Terry Johnson?

2 A. Yes, sir. I've known him since he was - he used
3 to break the law. He would speed up and down the
4 road when he was an SBI agent undercover going
5 after drug dealers, and I would stop him out here
6 when the interstate was only four lanes and there
7 was a median crossover. And he would drive
8 different cars all the time, and every time that
9 I'd stop - you know, it wasn't many times - maybe
10 three times in my 17 years.

11 But, you know, one time he was going to
12 Greensboro to a drug deal, you know, and he was
13 always undercover. But that's - that's the times
14 I remember, you know, dealing with him as far as
15 on the SBI level, but I've known him since I've
16 been here in Alamance County in 1983.

17 Q. Have you known Sheriff Johnson to ever racially
18 discriminate against anyone?

19 A. No, sir. I find that - I find that offensive.

20 Q. In what way?

21 A. I just think that anyone that deals with that
22 outside - other than dealing with the law
23 specifically, is wrong, and I don't condone any of
24 that.

25 Q. Have you ever known Sheriff Johnson to racially

1 profile any individuals?

2 A. No, sir.

3 MR. KITCHEN: Give us just a second.

4 (Pause.)

5 MR. KITCHEN: Okay. We don't have any
6 other questions.

7 MR. SONGER: Okay. Great. Mr. Culler,
8 just a couple real quick clarifications, and
9 then we'll get you out of here.

10 THE WITNESS: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. SONGER:

13 Q. You mentioned there seemed to be one of these big
14 multiagency checkpoints that you worked on with
15 the Alamance County Sheriff's Office that sort of
16 stood out to you that you remember, is that right?

17 A. Right. Right.

18 Q. Tell me about that. What do you remember about
19 that?

20 A. I just remember all - all the agencies were asked
21 to do a - it's called a jurisdictional
22 understanding, a memorandum where they all -
23 multiagency participation memorandum for everybody
24 to help out outside their jurisdiction, and
25 everyone signs that memorandum. It's a memo of

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1 agreement.

2 And I can remember that there were several
3 agencies there that day. Elon College, Elon
4 Police, Sheriff's Department, Gibsonville Police -
5 I'm trying to remember them all - but, you know,
6 Haw River Police, Burlington, Graham. I mean we
7 just have a great relationship here in Alamance
8 County - or during 2008 where just everyone
9 participated. And that one just sticks out for me
10 because I think everyone had somebody there from
11 their agency.

12 Q. Do you remember who from the Sheriff's Office
13 participated in that checkpoint?

14 A. No, sir.

15 Q. Do you remember anybody who was there
16 specifically?

17 A. I do remember Roger Lloyd being there. He was
18 over the - I think he was over the Traffic Squad
19 then because I think they had, like, two or three
20 cars or something, but he was operational over
21 that - in that area.

22 Q. Do you - when did you show up at that checkpoint?

23 A. I'm - normally when it starts, I'm there.

24 Q. Do you remember being there for a briefing given
25 by Sheriff Johnson prior to the checkpoint?

1 A. No, sir, not particularly. I usually give them
2 out.

3 Q. When you worked checkpoints with the Sheriff's
4 Office and other agencies, usually you just
5 focused on supervising the Highway Patrol officers
6 who were there?

7 A. Well, no, not specifically. I mean that's my job
8 as far as dealing with my personnel, but if I see
9 somebody from another agency stepping off or doing
10 something that's questionable, I go to their
11 supervisor, and I have had to do that here.

12 Q. You also mentioned some statistical data
13 analysis---

14 A. Right.

15 Q. ---that you do to help locate operations?

16 A. Right.

17 Q. Do you ever share any of that analysis with the
18 Sheriff's Office?

19 A. No, sir, not that - well, if I'm asked, but
20 basically it's for our operations for the Highway
21 Patrol bases because I have people to report to.
22 I don't report to the sheriff or Roger Lloyd or
23 anyone else. I do all my data statistics to base
24 our operations for personnel - Highway Patrol
25 personnel.